



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

December 28, 2022

Re: FOIA Request NLRB-2023-000336

Dear Sally Yi (Princeton University):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, which was received on November 15, 2022, which as submitted, seeks answers to various questions regarding the specified topics of "Diversity and Inclusion," "Current Talent Pipeline," "Talent Management," "Offers Not Accepted," "Competitors," "Campus Recruitment," "Applicant Statistics," "Employee Statistics," and "Termination."

We acknowledged your request on November 15, 2022. In an exchange of emails with a member of the FOIA staff on December 22 and 23, 2022, you narrowed the scope of your request to a record created by the Agency's Division of Administration detailing the Agency's recruitment efforts and diversity and inclusion efforts. You further narrowed your request to be seeking information reflecting the current number of Agency employees as well and the current number of employees employed in technology and cyber security positions.

Your request, as narrowed by you, has been granted in full, as explained below.

The FOIA generally provides that any person has a right, enforceable in court, of access to federal agency records, except to the extent that such records, or portions thereof, are protected from disclosure by one of the nine exemptions or three special law enforcement record exclusions. Accordingly, the FOIA applies only to "records" maintained by federal agencies and does not require an agency to create documents or to answer questions. *See, e.g., Poll v. U.S. Office of Special Counsel*, 208 F.3d 226 (Table), 2000 WL 14422, at *4 n.2 (10th Cir. Oct. 14, 1999) (recognizing that the FOIA does not require an agency "to create documents or opinions in response to an individual's request for information") (quoting *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985)).

Notwithstanding these well-settled FOIA principles, and consistent with your discussions with FOIA staff, search inquiries for records were made to the staff from the Diversity, Equity, Inclusion, and Accessibility (DEIA) program under the Agency's Division of Administration. Staff in that office conducted searches for

responsive information and provided the attached PDF record, containing the specified information you seek. Your request is accordingly granted.

For the purpose of assessing fees, we have placed you in Category B, as an educational institution that operates a program or programs of scholarly research, NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vi). There is no charge assessed for emailed records.

You may contact Patrick Plummer, the Attorney-Advisor who processed your request, at 202-273-2999 or by email at patrick.plummer@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

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Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (two pages)